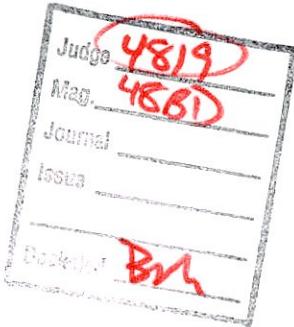


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KENNETH J. MURPHY  
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U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
WEST DIV CINCINNATI 5V



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CARL OEDER & SONS SAND & GRAVEL : CASE NO. C-1-01-826  
CO., A DIVISION OF OEDER & SONS  
GARAGE INC., : (Judge Susan J. Dlott)  
  
Plaintiff, : **DISCLOSURE OF LAY**  
vs. : **WITNESSES OF DEFENDANT**  
UNION TOWNSHIP, et al., : **UNION TOWNSHIP.**  
  
Defendants. : 

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Now comes Union Township, Defendant herein, by and through counsel, and pursuant to the Order of the Court issued July 22, 2003, and hereby makes its disclosure of lay witnesses who may testify at the trial of this matter, as follows:

1. Dan Allen, 3541 Snook Rd., Morrow, Ohio 45152, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.
  
2. Bessie Bishop, 3787 Snook Rd., Morrow, Ohio 45152, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and

the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

3. Ralph Bishop, 3787 Snook Rd., Morrow, Ohio 45152, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

4. Records Custodian, Office of J. Kenneth Blackwell, 180 East Broad Street, 15<sup>th</sup> Floor, Columbus, Ohio 43215, Ohio Secretary of State, may testify regarding the incorporation status of Plaintiff.

5. Donald Bowman, 3682 Snook Rd., Morrow, Ohio 45152, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

6. Helen Bowman, 3682 Snook Rd., Morrow, Ohio 45152, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

7. June Bowman, 3726 Snook Rd., Morrow, Ohio 45152, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

8. Virgil Bowman, 3726 Snook Rd., Morrow, Ohio 45152, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

9. Timothy Browning, may testify regarding Plaintiff's claims.

10. Yvonne Deskins, 3650 Lebanon Rd., South Lebanon, Ohio 45065, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County,

Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

11. Donna Ertel, 3776 Snook Rd., Morrow, Ohio 45152, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

12. James H. Farquer, 3629 Dry Run Rd., South Lebanon, Ohio 45065, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

13. Marcia Farquer, 3629 Dry Run Rd., South Lebanon, Ohio 45065, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

14. Joshua C. Fisher, 3061 Dry Run Rd., South Lebanon, Ohio 45065, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

15. Rachel Hutzel, 500 Justice Dr., Lebanon, Ohio 45036, Assistant Warren County Prosecuting Attorney, may testify regarding consultation with a Union Township Trustee prior to the passage of Resolution 112000-02 by the Union Township Board of Trustees on November 20, 2000.

16. James Irwin, 3888 Snook Rd., Morrow, Ohio 45152, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

17. Vera Irwin, 3888 Snook Rd., Morrow, Ohio 45152, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and

the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

18. Joe Johnson, 3491 Dry Run Rd., South Lebanon, Ohio 45065, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

19. Russell Kilburn, 285 E. Pike Street, South Lebanon, Ohio, 45065, Union Township Trustee, may testify regarding the passage of Resolution 112000-02 by the Union Township Board of Trustees on November 20, 2000.

20. Lionel Lawhorn, 285 E. Pike Street, South Lebanon, Ohio, 45065, Union Township Trustee, may testify regarding the passage of Resolution 112000-02 by the Union Township Board of Trustees on November 20, 2000.

21. Sharon Lawhorn, 285 E. Pike Street, South Lebanon, Ohio, 45065, Union Township Clerk, may testify regarding the passage of Resolution 112000-02 by the Union Township Board of Trustees on November 20, 2000.

22. Billie Ledford, 3873 Snook Rd., Morrow, Ohio 45152, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

23. Ethel Ledford, 3873 Snook Rd., Morrow, Ohio 45152, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

24. Tami Leuzinger, 3801 Snook Rd., Morrow, Ohio 45152, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

25. John Louallen, 285 E. Pike Street, South Lebanon, Ohio, 45065 Union Township Trustee, may testify regarding the passage of Resolution 112000-02 by the Union Township Board of Trustees on November 20, 2000.

26. Matt McPhillips, 3735 Snook Rd., Morrow, Ohio 45152, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

27. Carl E. Oeder, 3246 Stubbs Mill Rd., Morrow, Ohio 45152, may testify regarding Plaintiff's claims.

28. David L. Oeder, 414 Kings Way, Lebanon, Ohio 45036, may testify regarding Plaintiff's claims.

29. Wash Pennington, 4861 Lebanon Rd., South Lebanon, Ohio 45065, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

30. Jack Sayre, 2992 Dry Run Rd., South Lebanon, Ohio 45065, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

31. Hughie R. Smith, 3601 Dry Run Rd., South Lebanon, Ohio 45065, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

32. Mark Solsman, 3569 Snook Rd., Morrow, Ohio 45152, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

33. Wanda Solsman, 3569 Snook Rd., Morrow, Ohio 45152, may testify regarding the condition of Snook, Dry Run and Lebanon Roads in Union Township, Warren County, Ohio, and the consequences of the travel of vehicles weighing in excess of 20,000 lbs.

Neil Tunison, 105 Markey Rd., Lebanon, Ohio 45036, Warren County Engineer, may testify regarding consultation with a Union Township Trustee prior to the passage of Resolution 112000-02 by the Union Township Board of Trustees on November 20, 2000.

Respectfully submitted,



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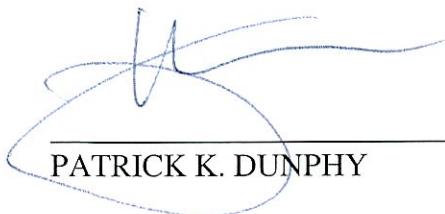
Patrick K. Dunphy (0017827)  
FALKE & DUNPHY, LLC  
30 Wyoming Street  
Dayton, Ohio 45409  
(937) 222-3000  
Trial Attorney for Defendant, Union Township

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served upon the parties by placing a copy in the ordinary U.S. Mail, this 10th day of January, 2003, addressed as follows:

Brian P. Barger, Esq.  
Jack J. Brady, Esq.  
Patricia J. Kleeberger, Esq.  
BRADY, COYLE & SCHMIDT, LLP  
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Toledo, Ohio 43623

Daniel J. Donnellon, Esq.  
Thomas M. Tepe, Jr., Esq.  
KEATING, MUETHING & KLEKAMP PPL  
1400 Provident Tower  
One East Fourth Street  
Cincinnati, Ohio 45202  
Trial Attorneys for Plaintiffs



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PATRICK K. DUNPHY